

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

Reliability and Continuity of Communications)
Networks, Including Broadband Technologies) PS Docket No. 11-60

COMMENTS OF NCTA – THE INTERNET & TELEVISION ASSOCIATION

NCTA – The Internet & Television Association (NCTA) submits these comments in response to the *Notice* issued by the Public Safety and Homeland Security Bureau in the above-referenced proceeding.¹ The *Notice* seeks comments on two matters of interest to NCTA’s members: (1) whether the Commission should solicit “voluntary commitments” from backhaul providers to participate in the Wireless Network Resiliency Cooperative Framework (“Framework”); and (2) the public safety benefits, technical feasibility, and cost of providing the public with access to 911 services during times of emergency via Wi-Fi access points when mobile service is unavailable. For the reasons explained below, it is unnecessary to include backhaul providers in the Framework and there are obstacles that may limit the 911-related benefits of opening Wi-Fi access points in an emergency.

I. BACKHAUL PROVIDERS HAVE MULTIPLE PROCESSES IN PLACE THAT MAKE PARTICIPATION IN THE WIRELESS NETWORK RESILIENCY FRAMEWORK UNNECESSARY

In the *Notice*, the Bureau asks whether backhaul providers should be encouraged to “participate in the Wireless Network Resiliency Cooperative Framework and work cooperatively with wireless providers and other relevant stakeholders to develop a process for sharing restoration information during disasters.”² The Bureau takes note of potential issues with its

¹ *Public Safety and Homeland Security Bureau Seeks Comment on the Effectiveness of the Wireless Network Resiliency Cooperative Framework and for the Study on Public Access to 911 Services During Emergencies*, Public Notice, DA 18-614, at 3 (rel. June 13, 2018) (*Notice*).

² *Notice* at 3.

proposal by asking whether “extending the voluntary Framework to include backhaul providers [would] raise any significant challenges for participating providers that could hinder their own restoration efforts” and whether “existing federal and state restoration and resiliency frameworks . . . [are] sufficient in addressing the concerns expressed following last year’s hurricane season.”³

NCTA appreciates the Bureau’s desire to assess the overall efficacy of the Framework in light of last year’s destructive hurricane season, particularly in highly challenged areas that lack major facilities and resources, but the proposal to include backhaul providers is unnecessary. NCTA’s members provide backhaul to wireless network operators pursuant to detailed business agreements and comprehensive business continuity plans that ensure coordination and the exchange of restoration information with wireless providers during backhaul outages. These contractual processes ensure that backhaul providers notify the wireless company of any outage or failure, supply contact information, and give estimates on when the issue will be resolved. Contractual documents also may include detailed escalation contacts and procedures for NOC-to-NOC coordination during outages.

In addition to these bilateral contractual arrangements with wireless providers, backhaul providers also engage in extensive coordination with government officials. Large backhaul providers maintain contact information for federal, state and local emergency response agencies and power companies to address emergency response, network restoration, and continuity of operations. This includes phone numbers, email addresses, and other information for key people with authority to share information and coordinate on efforts to rectify service outages.

Many cable companies also participate in the U.S. Department of Homeland Security’s National Coordinating Center for Communications (NCC), which continuously monitors national

³ *Id.*

incidents and events that impact emergency communications, including natural disasters. This 24-7 watch center facilitates the exchange of emergency information among government and industry communications sector participants in conjunction with the Communications Information Sharing and Analysis Center (NCC-Comm-ISAC). The NCC conducts regular emergency preparedness and resiliency exercises and training with Comm-ISAC members and coordinates with industry before, during and after a disaster. When a disaster strikes, the NCC-Comm-ISAC hosts daily (or even twice-daily) calls to share information among providers and collaborate with government partners to promote rapid response and recovery efforts.

With multiple layers of coordination and information sharing in place, adding backhaul providers to the Framework is not only unnecessary but potentially disruptive to restoration efforts. To the extent the requirements of the Framework replicate existing business arrangements, they are unnecessary. And to the extent the requirements of the Framework depart from existing business arrangements, requiring providers to comply with two sets of procedures in the midst of a chaotic disaster situation could hinder priority restoration of critical services.

As demonstrated in comments filed by Comcast and Charter in the Bureau's Public Notice regarding response efforts in the 2017 hurricane season, business continuity processes and procedures are working well.⁴ For example, during Hurricane Harvey, the city of Houston experienced heavy rain and severe flooding which caused significant damage to infrastructure. Comcast anticipated and prepared for widespread power outages and completed restoration of service to all customers in impacted areas within 18 days, "with all cell towers served by the Comcast network restored within 6 days."⁵ As a major provider of communications service in

⁴ *Public Safety and Homeland Security Bureau Seeks Comment on Response Efforts Undertaken During 2017 Hurricane Season*, PS Docket No. 17-344, Public Notice 32 FCC Rcd 10245 (2017) (Hurricane Notice).

⁵ Comcast Comments at 7.

Florida, which was hard hit by Hurricane Irma, Charter restored service to 90% of its customers within 10 days and successfully coordinated with cell tower providers and carriers in managing recovery efforts and restoring service as quickly as possible.⁶

Each disaster is unique and companies draw from a range of disaster preparedness processes to communicate, coordinate and ultimately restore service. There is no need for backhaul providers to add the Wireless Network Resiliency Framework processes to their existing programs and procedures.

II. THE TECHNICAL AND SAFETY REQUIREMENTS OF 911 CALLS ARE TYPICALLY NOT CONDUCTIVE TO WI-FI CALLING

As the Bureau notes, the Commission is required by Section 301 of RAY BAUM's Act⁷ to study whether Wi-Fi access points and other communications technologies operating on unlicensed spectrum should be made "available to the general public for access to 911 services, without requiring any login credentials, during times of emergency when mobile service is unavailable."⁸ At this time, it would be premature for the Commission to require that Wi-Fi networks be opened to the public in emergencies as a host of technical and other obstacles may limit the effectiveness of Wi-Fi hotspots for 911 access during emergencies.

NCTA members often make their commercial Wi-Fi hotspots accessible to the public during emergencies to enable access to the Internet. For a variety of reasons, however, the degree to which this would result in additional access to 911 services is uncertain. Wi-Fi networks generally are designed to route traffic to the Internet without any insight into the type

⁶ For the remaining ten percent of customers, the vast majority of outages were caused by loss of power to homes, businesses or to the network. Charter Comments at 4-5.

⁷ See Consolidated Appropriations Act, 2018, P.L. 115-141, Division P, the Repack Airwaves Yielding Better Access for Users of Modern Services (RAY BAUM'S) Act. Title III, Section 301 of RAY BAUM'S Act is titled: "Securing Access to Networks in Disasters, Study on network resiliency."

⁸ Notice at 3.

of traffic that is being carried. Accordingly, even in non-emergency situations, the availability of Wi-Fi calling is not a function of the Wi-Fi service but instead depends on whether that capability is supported by the device and CMRS provider and enabled by the customer.

Calls to 911 over Wi-Fi are even more challenging because they use the registered location the customer has entered into the device. Unless the customer updates the registered location as they move, a 911 call may be routed to an incorrect Public Safety Answering Point (PSAP). Additional challenges may arise if the PSAP is not equipped to receive traffic in Internet Protocol (IP) format and the traffic must be converted to Time Division Multiplex (TDM).

All of these problems are compounded in the context of an emergency situation. For example, if the facilities of a cable operator (or another network provider relied on by the cable operator) are not functioning because of a power outage or other technical problem, Wi-Fi hotspots may not operate at all, much less provide access to 911 services. Moreover, even in emergencies where the relevant networks remain operational, Wi-Fi hotspots could become congested with non-emergency traffic during the crisis. The industry has not yet developed the capability to provide priority access to 911 calls or the “technical or operating specifications . . . to restrict access and secure communications for the purpose of emergency services.”⁹

Given these issues, it would not be in the public interest to mandate that Wi-Fi providers open their hotspots during emergencies for the purpose of enabling consumers to place emergency calls to PSAPs. Consumers reasonably would expect that they could use voice over Wi-Fi to place 911 calls. In reality, however, there is a risk that many of these attempted calls

⁹ *Id.* at 3.

would not be completed as expected. As a result, consumers would be confused and frustrated and would waste valuable minutes when they can least afford it.

CONCLUSION

As demonstrated above, there are numerous ways in which backhaul providers coordinate with wireless carriers and government officials and therefore it is not necessary for backhaul providers to participate in the Wireless Network Resiliency Cooperative Framework. With respect to Wi-Fi calling, there are significant obstacles that may limit the effectiveness of Wi-Fi as a meaningful option for reaching 911 in an emergency situation. Accordingly, it is premature for the Commission to consider requiring Wi-Fi providers to open their networks for 911 calls in an emergency.

Respectfully submitted,

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